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OFFICE OF PETITIONS

In re Application of :
Wang et al. : DECISION ON
Application No. 10/549,594 : PETITION
Filed: September 19, 2005 :
Atty Docket No.63795.8008.US00:

This is a decision on the Petition for Revival of Application Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) filed February 10, 2010.

The petition is GRANTED.

The above-identified application was abandoned for failure to timely file a proper reply to the final Office action mailed December 7, 2007. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action, with extensions of time obtainable under 37 CFR 1.136(a). No proper reply having been received and no extension of time obtained, the application became abandoned effective March 8, 2008. A courtesy Notice of Abandonment was mailed on June 23, 2008.

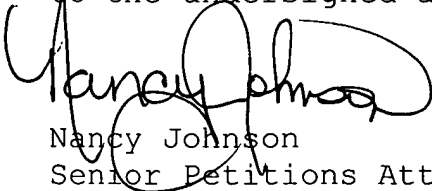
On petition, petitioner submitted the required reply in the form of a Request for Continued Examination (RCE and RCE Fee) and submission under §1.114 (in the form of an amendment); paid the petition fee; and made the required statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on February 10, 2010 was submitted subsequent to the

maximum extendable period for reply, this fee is unnecessary and is being refunded.

Technology Center AU 1793 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the RCE (and submission) submitted on petition filed February 10, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions